

AN ORDINANCE

01-O-1119

**BY COUNCILMEMBERS MICHAEL BOND, CLETA WINSLOW, DEBI STARNES,
SHERRY DORSEY, AND VERN MCCARTY**

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON PORTIONS OF THE RIGHTS-OF-WAY OF 16TH STREET, MECASLIN STREET, AND LYLE PLACE, SAID PORTIONS BEING APPROXIMATELY 0.846 ACRES IN AREA, LAND LOTS 108 AND 148, 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND TO AUTHORIZE THE DEDICATION TO THE CITY OF ATLANTA OF CERTAIN TO-BE -CONSTRUCTED 16TH STREET RIGHT-OF-WAY, SAID NEW RIGHT-OF-WAY BEING APPROXIMATELY 3.051 ACRES IN AREA, LAND LOTS 108 AND 148, 17TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, in December 2000, Atlantic Station, L.L.C. ("Atlantic Station") purchased approximately 144 acres in northwest Atlanta known as the Atlantic Steel Mill site; and

WHEREAS, Atlantic Station is now developing the property in accordance with a Redevelopment Plan adopted by the City of Atlanta; and

WHEREAS, as part of the redevelopment program, Atlantic Station, in consultation with the City of Atlanta and the Georgia Department of Transportation, has designed and plans to construct a realignment of a portion of 16th Street, N.W.; and

WHEREAS, to accomplish this realignment, Atlanta Station has petitioned the City of Atlanta to abandon portions of the rights-of-way of 16th Street, Mecaslin Street, and Lyle Place, as depicted as parcels A, B, C and D on the survey attached hereto as Exhibit A, prepared by Lowe Engineers, LLC, dated October 30, 2000, said portions being approximately 0.846 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia; and

WHEREAS, in consideration for the abandonment requested by said petition, Atlantic Station proposes to dedicate to the City of Atlanta certain to-be-constructed right-of-way of 16th Street, as depicted as parcels 1, 2, 3 and 4 on Exhibit A, said dedication being approximately 3.051 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia; and

WHEREAS, Atlantic Station is the owner of all abutting property which is the subject of the petition for abandonment; and

WHEREAS, the abandoned street right-of-way shall become a part of Atlantic Station's private property and shall be Atlantic Station's responsibility to maintain; and

WHEREAS, the petition for abandonment has been reviewed and approved by the Bureau of Purchasing and Real Estate, the Department of Public Works, and the City Utilities Committee and is deemed to be in the best interest of the City to consummate; and

WHEREAS, because the area and value of right-of-way to be dedicated to the City of Atlanta far exceeds the area and value of right-of-way to be abandoned, the Director of the Bureau of Purchasing and Real Estate of the City of Atlanta recommends waiving the fee customarily required for petitions for abandonment; and

WHEREAS, because the area and value of right-of-way to be dedicated to the City of Atlanta far exceeds the area and value of right-of-way to be abandoned, the City Council of the City of Atlanta has determined it appropriate to waive the appraisal requirement;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That the portions of the rights-of-way of 16th Street, Mecaslin Street, and Lyle Place, as depicted as parcels A, B, C and D on the survey attached hereto as Exhibit A, prepared by Lowe Engineers, LLC, dated October 30, 2000, said portions being approximately 0.846 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia, are hereby declared no longer useful or necessary for the public use and convenience, and are hereby abandoned (hereinafter the "Abandonment Parcels").

Section 2: That the City is authorized to convey by Quitclaim Deed to Atlantic Station (or its designee[s]) the Abandonment Parcels and, as a condition of waiving the requirement for the payment of fair market value under City Ordinances Nos. 2-1578 and 138-9, Atlantic Station shall dedicate future right-of-way, as described in Section Six (6) below, to the City.

Section 3: That the City of Atlanta hereby abandons the above-described portions of 16th Street, Mecaslin Street, and Lyle Place with the reservation for existing public or private utility easements for the purpose of entering the property to operate, maintain, or replace utility facilities. These easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 4: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney is hereby directed to prepare a Quit Claim Deed for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form.

Section 5: That the Quitclaim Deed will not become binding upon the City and the City will not incur any liability thereunder until all documents related to the abandonment of said right-of-way have been attested to by the Municipal Clerk and delivered to Atlantic Station or its designee(s).

Section 6: That upon reconstruction of 16th Street, the City of Atlanta is authorized to accept certain right-of-way for dedication by Atlantic Station for public use, depicted as parcels 1, 2, 3 and 4 on Exhibit A, said dedication being approximately 3.051 acres in area, located in Land Lots 108 and 148, Fulton County, Georgia.

Section 7: That if the right-of-way dedication described in Section 6. does not occur on or before September 1, 2006, Atlantic Station will pay to the City the appraised value of the abandoned right-of-way.

Section 8: That all code sections, ordinances, and part of code sections and ordinances in conflict with this Ordinance are waived.